

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2853

IN THE MATTER OF:

Served May 2, 1986

Application of AMERICAN COACH )  
LINES, INC., for a Certificate of )  
Public Convenience and Necessity to)  
Conduct Charter Operations between )  
Points in the Metropolitan District)

Case No. AP-85-36

The public hearing in the above-captioned matter was concluded on March 19, 1986. At that time the Administrative Law Judge established a deadline of May 5, 1986, for the filing of post-hearing briefs by the parties. This briefing period was about 50 percent longer than customarily permitted. The ALJ closed the hearing with this admonition, "Requests for extensions of time in which to file briefs ordinarily will not be granted unless there is a showing of unusual cause or unless a stipulation among all the parties is approved."

By motion filed April 30, 1986, counsel for applicant requests that the brief date be continued until June 5, 1986. According to the motion, attorneys for the six protestants in this case are unwilling to agree to any extension.

Applicant's argument in support of its motion is:

- (1) it is negotiating to sell the company;
- (2) the new owner would be interested in reviewing this application to determine whether to pursue it;
- (3) the potential owners of the company cannot exercise any control in pursuit of the pending application;
- (4) the present owners would not contemplate continuing operation of the company if they sell it; and
- (5) therefore, it would not be appropriate to submit this case to the Commission for decision where the decision would not be made or effective until after control of the company had changed hands.

As to applicant's argument, the conclusion does not flow from the premises. Moreover, negotiations to sell the company are irrelevant to the application at hand. Such negotiations may bear fruit, or they may not. There is no limit on how long such negotiations could last. If these negotiations fell through, applicant

could commence others. If this were good cause now, it would be good cause next month or next year. It would seem that a potential buyer would be more interested in the outcome of an application than the postponement of a decision. We find in this motion no reason to grant it. Therefore, the motion will be denied.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:

  
WILLIAM H. MCGILVERY  
Executive Director